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REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others

Report of the Secretary-General prepared pursuant to Commission on Human Rights resolution 1992/36

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Introduction

1. Having examined the various elements of the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others contained in the report of the Working Group on Contemporary Forms of Slavery on its sixteenth session (E/CN.4/Sub.2/1991/41, annex I), the Commission on Human Rights, in paragraph 2 of its resolution 1992/36, decided to transmit the draft programme of action to Governments, specialized agencies, intergovernmental and non-governmental organizations for their comments.

2. In paragraph 3 of the resolution, the Secretary-General was requested to submit to the Commission at its forty-ninth session a report containing a summary of the comments received.

3. On 24 June 1992, a note verbale and a letter were sent by the Secretary-General to all States, to competent specialized agencies and to interested intergovernmental and non-governmental organizations inviting them to submit their comments on the draft programme of action.

4. By 1 December 1992, replies had been received from the Governments of Australia, Bahrain, Liechtenstein, Morocco, Russian Federation, Saudi Arabia, Thailand, Uruguay and Yugoslavia as well as from the Division for the Advancement of Women (United Nations Office at Vienna), the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the World Tourism Organization. Communications have also been submitted by the Commission of the European Communities, the Council of Europe, the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, the Organization for Economic Co-operation and Development and the International Criminal Police Organization (Interpol). The following non-governmental organizations have replied: Arab Lawyers Union, All India Women's Conference, International Abolitionist Federation and the International Federation Terre des Hommes.

5. All substantive comments so far received are summarized below; additional replies, if any, will be published in an addenda to the present document.

I. COMMENTS RECEIVED FROM GOVERNMENTS

AUSTRALIA

[Original: English]
[16 November 1992]

General comments

1. The Australian Government supports the need to take action in regard to these matters and therefore would support the draft programme of action in general terms.

2. The Australian Government notes that the Convention on the Elimination of All Forms of Discrimination against Women, article 6, relates to these issues and suggests that the Committee on the Elimination of Discrimination against Women (CEDAW) might usefully be consulted and involved in a somewhat greater way in the programme than is suggested in the draft.

3. Our informal understanding of the way in which CEDAW interprets article 6 of the Convention is that it is not based on an assumption that prostitution per se should be prohibited or abolished, although this appears to be the assumption underlying this draft programme. Given Australia's strong support for CEDAW we would not wish to endorse something which potentially conflicts with CEDAW.

4. Australia's recent report to CEDAW* provides information on the steps Australia is taking in regard to its obligations in these matters. It should be noted that the issue of prostitution has recently been a matter of ongoing discussion at the States/Territories level within Australia in the course of the work of the National Committee on Violence against Women, which has representatives from the Commonwealth and the States as well as NGOs. It should be noted that legal matters relating to prostitution are a matter for the individual States' and Territories' jurisdictions.

5. However, the Australian Government has some concern that there appears to be from time to time in the draft programme some lack of distinction between exploitation of prostitution and prostitutes and prostitution (or sex workers and the sex industry) as such. A high moral tone has been adopted which seems equally condemnatory of all three of these.

6. First, it should be noted that prostitution as such is an activity in which there are those who buy the services as well as those who provide the services, and not for nothing is it sometimes called the oldest profession. As with any other market-driven operation, without the customers there would not be any provision made.

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* Available for consultation in the files of the Secretariat.

7. Second, it should be noted that there are quite a number of women who deem it to be their right to dispose of their services as they see fit. If that is to provide these particular services, i.e. to use their bodies to become prostitutes, as compared with using their bodies to work in a factory or as a ballet dancer or as a farm labourer, then that is a decision that they make for themselves and about which moral judgement should not be made by Governments.

8. The third issue is the one of exploitation of prostitution which is where women and girls are restricted in their movement out of the house, not paid fairly if at all, not provided with proper safeguards against violent and cruel practices or with appropriate health safeguards; who may have been enticed into these activities against their will and are kept against their will, and who may be forced to become involved with criminal activities. We feel there should be a clear distinction between this latter and the first two definitions in what is being suggested to control these operations and that the condemnatory tone of a number of the paragraphs should be restricted to the exploitation of prostitution.

9. The Australian Government also notes for your information that the most recent version of the draft declaration on the elimination of violence against women, which is being developed under the aegis of the Commission on the Status of Women, also refers to these issues (art. 2(b)).

10. Of some concern to the Australian Government is the lack of any reference in the draft programme to the links that these issues have with HIV/AIDS issues.

11. The draft programme appears to have been set without any specific time-frame or indication of funding requirements. It would be helpful to have some clarification on these issues, in particular whether funds would come out of existing programme funding or whether new and additional funding would be sought.

Comments in detail

12. Paragraph 3. The first line uses language that appears to be quite extreme. The use of the word scourge in particular is peculiarly inappropriate as elsewhere in the document, for example paragraph 6.

13. Paragraph 8. In this paragraph, and elsewhere, the range of United Nations agencies listed fails to include a number that have significant programmes with women and whose expertise and particular inputs could be used to advantage. This could include development agencies such as United Nations Development Programme, United Nation Population Fund, United Nations International Research and Training Institute for the Advancement of Women, and United Nations Development Fund for Women.

14. Paragraphs 13-17. In the light of the general comments above, "these abuses" is a bit of a catch-all and needs clarifying. In paragraph 16, "preventing" prostitution is a concept that there is difficulty with (see para. 6 above). Paragraph 17 is an example of the type of activity where

other United Nations agencies have relevant experience (see note above for para. 8).

15. Paragraph 32. International agencies and international civil servants should be included in this too. For example, as has been observed, a large influx of United Nations agencies into a country can create, almost overnight, a flourishing sex industry both in the major cities and in provincial towns, with the attendant increase in sexually transmitted diseases and introduction or increase of HIV/AIDS.

16. Paragraph 37. Although we have no difficulty with the reference in paragraph 37 it should be noted that Australia is not a party to the 1949 Convention, but it is a party to the Convention on the Elimination of All Forms of Discrimination against Women. It may be that we should be urging further support for and strengthening of the latter Convention.

17. Paragraph 42. The Australian Government notes that NGOs are specifically referred to in the final paragraph. Given the extremely active role that NGOs have already taken on these issues, and given the increasing trend for United Nations agencies to work through NGOs, this paragraph might be strengthened and in addition some consideration given to identifying areas throughout the proposed programme where the existing work of NGOs can be supported and extended.

BAHRAIN

[Original: Arabic]
[29 October 1992]

The Government of the State of Bahrain believes that the draft programme of action is comprehensive and conducive to the objective for which it was formulated and, moreover, it gives a convincing explanation of the causes of the phenomenon of the exploitation of the prostitution of others. The programme also specifies appropriate means to deal with that phenomenon and defines the role of governmental and private institutions at the international, regional and local levels in all the legal, judicial, social, cultural and promotional aspects of the campaign to combat it. The laws and legislation of the State of Bahrain are fully consistent with the programme, since slavery and prostitution are prohibited by law and incitement to the practice of prostitution and exploitation of the prostitution of others are punishable under articles 324 et seq. of the Bahraini Penal Code. Bahraini social organizations are catering for the welfare of women and children in the community and the State acceded to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others under the terms of Decree No. 7 of 1990 and to the Convention on the Rights of the Child under the terms of Decree No. 16 of 1991.

MOROCCO

[Original: French]
[13 November 1992]

1. What is required in order to curb the organized prostitution of women and children, apart from national measures and criminal prosecution under the law, is a world-wide programme of action against all those who promote, through advertising or perverted tourism, the development of human turpitude.

2. The dangers of prostitution, both from a social as well as medical standpoint, must be publicized throughout the world by means of an appropriate information campaign.

3. Prostitution is a form of slavery and degradation and, as such, tends to perpetuate social inequalities.

4. All spurious practices, such as marriages of convenience, job offers, clandestine immigration networks, household work or fictitious adoptions, should be checked, regulated and punished strictly.

5. In the circumstances, all the suggestions contained in this draft seem pertinent, and should be implemented as a matter of urgency.

RUSSIAN FEDERATION

[Original: Russian]
[22 October 1992]

1. The Russian Federation is interested in the implementation of the proposals contained in the draft.

2. In the present difficult period of transition to a market economy, Russia is encountering a large number of negative social developments, including the problems covered by the programme.

3. In supporting the programme as a whole, we consider that, in view of the complexity and urgency of the problem individual proposals should be modified to take specific national situations into account.

SAUDI ARABIA

[Original: English]
[22 July 1992]

The Saudi Arabian Government has no comments to forward concerning the draft programme of action for the prevention of traffic in persons and exploitation of prostitution of others stated in your above-mentioned communication. Since no such traffic and exploitation exists in Saudi Arabia, we have no meaningful suggestion or comments to make on this matter, especially since the draft programme is comprehensive in dealing with this problem.

THAILAND

[Original: English]
[21 October 1992]

Comments of the Ministry of Interior of Thailand

1. The Ministry of Interior is of the view that the substance of the draft programme of action is appropriate, but wishes to submit the following additional comments.

2. The United Nations should consider extending assistance in the form of financial and technological assistance to the agencies responsible for suppressing the traffic in persons and exploitation of the prostitution of others of those countries where such problems are acute.

3. In the area of tourism, Governments concerned should be prompted to discourage and denounce overseas travel for sexual gratification through the exploitation of the prostitution of others. Efforts should also be undertaken at the international level to mobilize Governments concerned to campaign against sex tourism but in favour to tourism for geographical, historical and cultural appreciation.

4. The United Nations should encourage developing countries to consider reviving thoughts on development for the preservation of rural society which attaches importance to the survival of rural society, with emphasis on the retention of agricultural society and of local culture while seeking to raise the quality of life and local income. Such an approach to development will help prevent rural people, particularly women and children, from having to migrate to the city in search of industrial employment or from being left in rural poverty until compelled to turn to prostitution for livelihood.

Comments of the National Youth Bureau, Office of the Prime Minister of Thailand

5. The approach laid down in the draft programme of action incorporating preventive measures covering a broad and comprehensive spectrum of issues coincides with Thai laws and policies to promote the development and protection of children, and should be supported.

6. Emphasis needs to be given to the enforcement of laws relating to the prevention and suppression of all forms of exploitation of children.

7. Amendments to the law and harsher punishment for those who break the law may improve the situation, but what is also needed is the promotion of ethics and respect for the value of honest and acceptable means of earning a living in society, which are necessary to reduce the problem of the exploitation of fellow human beings.

Comments of the National Committee for the Promotion and Coordination of Women's Affairs of Thailand

8. The National Committee for the Promotion and Coordination of Women's Affairs of Thailand can agree with the draft programme of action and wishes to submit the following relevant information.

9. The National Committee recognizes the seriousness of the problem of prostitution and has established subcommittee to coordinate efforts among public and private agencies and organizations to resolve the problem of commerce in the procurement of sexual services.

10. With regard to the improvement of relevant legislation, efforts are under way to amend the Prohibition of Prostitution Act of 1960 with a view to increasing the penalty for those who exploit prostitutes, to seek to provide welfare for prostitutes and to prohibit completely persons under the age of 18 from engaging in prostitution. These objectives are in accord with the draft programme of action.

YUGOSLAVIA

[Original: English]
[8 October 1992]

1. The Federal Republic of Yugoslavia fully supports the positions contained in the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others.

2. Yugoslavia ratified the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others in 1950, as well as the protocol amending the International Agreement for the Suppression of the White Slave Traffic of 1904 and the International Convention for the Suppression of the White Slave Traffic of 1910.

3. These international instruments served as a basis for determining the extent of protection against such criminal activities and for establishing penal and other measures against those engaged in the traffic in persons or any aspect of exploitation of the prostitution of others.

4. Accordingly, article 251 of the Penal Code of the Federal Republic of Yugoslavia criminalizes the act of mediation for the purposes of prostitution and provides that the procurers, instigators or persons provoking females to engage in prostitution or those otherwise participating in the submission of a woman to another person for prostitution purposes shall be punished by imprisonment of from three months to five years. If such an act is committed against a minor female or by use of force, threat or deception, a more severe sentence of one to ten years in prison may be pronounced.

5. The same Code also penalizes the criminal act of screening pornographic material (art. 252) and stipulates that whoever shows a person under the age of 14 or publicly announces or otherwise makes available pictures, papers,

audio-visual or other pornographic material or enables him/her to see a live pornographic show shall be fined or sentenced to imprisonment to one year.

6. The laws on public order and peace (regulations of the member Republics) provide for imprisonment of up to 30 days for persons engaged in prostitution or for procurers of premises for such purposes, and up to 60 days for persons procuring premises to minors prostituting themselves.

7. The above laws also stipulate a maximum imprisonment of 30 days or a fine of up to 35,000 dinars for parents or guardians of a minor child for allowing him/her to be engaged in prostitution.

8. In addition, it should be emphasized that Yugoslavia is a party to the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery. This Convention served as a basis for including in the Penal Code of the Federal Republic the criminal act of the slave relationship and transport of such persons (art. 155). Namely, a sentence of one to ten years in prison may be pronounced against any person who, in breach of the rules of international law, subjects another to slavery or a similar relationship or holds him/her in slavery, or against any person who buys, sells or transfers or mediates in the buying, selling and transfer of others, as well as persons instigating another to sell his/her own freedom or that of the person supported by him/her or under his/her guardianship. However, if such crime is committed against a minor, the minimum punishment is five years' imprisonment, which means that, under the general provisions of the Penal Code of the Federal Republic, a maximum prison sentence of up to 15 years may also be imposed.

9. Finally, the Federal Republic of Yugoslavia supports the proposal advanced in the draft programme under review, that 2 December be observed as world day for the suppression of contemporary forms of slavery.

II. COMMENTS RECEIVED FROM UNITED NATIONS BODIES AND SPECIALIZED AND RELATED AGENCIES

DIVISION FOR THE ADVANCEMENT OF WOMEN
United Nations Office at Vienna

[Original: English]
[10 September 1992]

1. Since the Commission on the Status of Women will meet only in March 1993, the comments of the Division for the Advancement of Women refer to the position of the Commission which it expressed at the open-ended working group convened at Vienna from 31 August to 4 September 1992 for the purpose of further developing a draft declaration on the elimination of violence against women. The draft elaborated and adopted by the working group, in article 2, states that violence against women shall be understood to encompass, but not be limited to the following:

...

(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution.

2. The Committee on the Elimination of Discrimination against Women adopted a general recommendation (No. 19) on violence against women at its last session. This general recommendation is based on comments which the Committee made with regard to specific articles of the Convention. Under article 6 of the Convention the Committee stresses the sources of traffic in women and the exploitation of the prostitution of women:

> "Poverty and unemployment increase opportunities for trafficking in women. In addition to established forms of trafficking there are new forms of sexual exploitation, such as sex tourism, the recruitment of domestic labour from developing countries to work in developed countries, and organized marriages between women from developing countries and foreign nationals. These practices are incompatible with the equal enjoyment of rights by women and with respect for their rights and dignity. They put women at special risk of violence and abuse. (para. 14)
>
> "Poverty and unemployment force many women, including young girls, into prostitution. Prostitutes are especially vulnerable to violence because their status, which may be unlawful, tends to marginalized them. They need the equal protection of laws against rape and other forms of violence. (para. 15)
>
> "Wars, armed conflicts and the occupation of territories often lead to increased prostitution, trafficking in women and sexual assault of women, which require specific protective and punitive measures." (para. 16)

3. The Secretariat has prepared background information on the subject for the Committee which is contained in document CEDAW/C/1992/4. */

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

[Original: French]
[14 October 1991]

UNESCO wishes to make the following observations in connection with paragraphs 37 to 42 of the programme of action (section entitled Regulation and international action):

1. UNESCO participates in the work of the Working Group on Contemporary Forms of Slavery, in which it plays an active role.

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*/ Available for consultation in the files of the Secretariat.

2. Since 1986 UNESCO has been carrying out an action-oriented research programme designed to:

(a) Elucidate the causes of prostitution;

(b) Condemn international traffic in women and, at the present time, in children; and

(c) Affirm that, in accordance with international instruments in force, the prostitution of women constitutes a violation of human rights and, as such, should be combated in all its forms.

3. Since 1989, and after a favourable response from members of the Working Group on Contemporary Forms of Slavery, work has been proceeding on a vast project for recasting international normative instruments in cooperation with the non-governmental organizations concerned. This work has already given rise to the Penn State Report. A Working Group met in October 1992 to prepare the draft of a new convention on the sexual exploitation of women. This meeting took place in the context of the Plan of Action adopted by the non-governmental organizations and UNESCO. The results of the New York Group's work will be presented to the public on 8 March 1993 at Brussels and a signature-collecting campaign will be launched and will continue until 1995 (Fourth World United Nations Conference on Women).

WORLD HEALTH ORGANIZATION

[Original: English]
[2 October 1992]

The World Health Organization submitted the following documents:

(a) Paper entitled "WHO programmes relating to child sexual abuse", prepared by Dr. J. Orley, Senior Medical Officer, Division of Mental Health, WHO. */

(b) Background paper entitled "Some considerations regarding trafficking in women and exploitation of prostitution in relation to HIV/AIDS prevention", prepared by Ms. Priscilla Alexander, Consultant in the High Risk Behaviour Unit, Intervention Development and Support, Global Programme on AIDS. It was presented to the Inter-Sessional Working Group of the Commission on the Status of Women (Vienna, 31 August - 4 September 1992). */

(c) Information prepared by Ms. Alexander describing the work of the Global programme on AIDS in the area of "Trafficking in Women [and] Exploitation of Prostitution". */

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*/ Available for consultation in the files of the Secretariat.

WORLD TOURISM ORGANIZATION

[Original: English]
[5 August 1992]

1. The World Tourism Organization fully shares the concern of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and is, therefore, pleased to confirm its eagerness to cooperate with the Commission on Human Rights in trying to tackle this most serious problem of prostitution in general and the exploitation of children in particular.

2. As far back as 1982, former WTO Secretary-General Robert Lonati worked closely with United Nations Officials in New York in an attempt to denounce this situation and prevent such practices.

3. Since then, the World Tourism Organization has tried to deal with this issue by approaching different organizations and associations concerned, both in tourist generating and receiving countries.

4. In 1985, WTO - aware of the importance of tourism in the life of peoples and of its positive and direct impact on the social, economic, cultural and educational sectors of nations - adopted at Sofia the Tourism Bill of Rights and Tourist Code */ on the occasion of the organization's Sixth General Assembly. Your attention is drawn to some of the standards of conduct set forth in this document, whereby:

(a) States are reminded of the need to prevent any possibility of using tourism to exploit others for prostitution purposes (art. IV (e));

(b) Tourism professionals and suppliers of tourism and travel services are asked to refrain from encouraging the use of tourism for all forms of exploitation of others (art. VIII. 3); and

(c) Tourists themselves are requested to refrain from exploiting others for prostitution purposes (art. XI (d)).

5. With regard to the text of the two draft programmes of action, WTO agrees, in principle, with their contents and should like to comment as follows:

(a) WTO fully supports the suggestion made in paragraph 12 of the draft programme proposing a world day for the abolition of Contemporary Forms of Slavery;

(b) WTO agrees with the proposal made in paragraph 30 of the draft programme and paragraph 47 of the annex to Commission resolution 1992/74;

(c) WTO has some reservations to the proposal made in paragraphs 31 and 48 respectively of the above-mentioned documents, that is, WTO convening a meeting, for two main reasons:

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*/ Available for consultation in the files of the Secretariat.

(i) Such a meeting is not contemplated in our programme of work or our budget. WTO's secretariat cannot organize such a meeting without prior authorization from our General Assembly; and

(ii) More fundamentally, it is doubtful that yet anotner conference would bring about the desired effects in the short and the long term.

6. WTO believes that adopting strong measures and taking concrete steps, namely:

(a) Enforcing the necessary legislation, as already suggested by the Draft programmes of action;

(b) Strengthening and diversifying the tourism industry of countries affected by this problem;

(c) Creating employment through national tourism development;

(d) Improving education and training at all levels, especially for women, etc.

could be more effective than convening a conference to discuss an already well-known and painful subject. This is the type of strategy our organization recommends to developing countries through its activities in the field of technical cooperation.

7. The very nature of tourism is to contribute to economic development and prosperity and to foster international peace and understanding. This, indeed, brings about the encounter of peoples. Convening a conference solely devoted to the problem of sex tourism would lead to identifying tourism with the scourge we are trying to combat.

8. Consequently, WTO would suggest a different wording for paragraphs 31 and 48, along these lines:

"The World Tourism Organization should be encouraged, in the context of the progressive implementation of the provisions of the Tourism Bill of Rights and Tourist Code adopted by its Sixth General Assembly in 1985, to develop further the range of its activities, namely, consumer information, legislation, education and training, technical cooperation, in order to contribute to prevent such practices".

III. COMMENTS RECEIVED FROM INTERGOVERNMENTAL ORGANIZATIONS

COMMISSION OF THE EUROPEAN COMMUNITIES

[Original: French]
[23 September 1992]

1. The Commission is gratified by this initiative, which contributes to the efforts being made to combat prostitution, trafficking in persons and the sexual exploitation of women.

2. The Commission has no particular comments to make on the text of the resolution.

COUNCIL OF EUROPE

[Original: English]
[4 November 1992]

At this stage, we do not have any particular comments to make on the texts. We shall, however, bring them to the attention of the specialist group, which was recently set up by the Steering Committee for Equality between women and men, to examine the question of traffic in women and forced prostitution.

INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

[Original: English]
[30 July 1992]

The Inter-American Commission on Human Rights has reviewed resolution 1992/36 of the Commission on Human Rights and believes that it addresses and encompasses in detail, all the areas of great concern to persons and organizations involved in promoting human rights worldwide. The Organization of American States has addressed this extremely serious and prevalent problem, and it is now reflected in article 6 of the American Convention on Human Rights, which is entitled "Freedom from Slavery".

INTERNATIONAL CRIMINAL POLICE ORGANIZATION (INTERPOL)

[Original: English]
[30 October 1992]

1. The International Criminal Police Organization referred to the conclusions reached as a result of its April 1992 Symposium on offences against children and young persons. These areas of concern cover a considerable amount of common ground, particularly with regard to victim protection, police training and certain offence-related topics. The Symposium's conclusions will be submitted to Interpol's General Assembly session in November 1992. Several recommendations of the Symposium call for cooperation with the United Nations in matters such as statistics, crime prevention, training and victim assistance.

2. Regarding the draft programme of action, Interpol referred to the findings of the International Symposium organized by Interpol in 1988 on Traffic in Human Beings. The delegates at the meeting confirmed the existence of both organized international networks in the trafficking of human beings and illegal activities relating to the exploitation of prostitution. They recommended that member countries should establish their own databases, improve their reporting at all levels and include reporting to the General Secretariat regarding the identification of suspects to allow the establishment of a special data bank.

3. The recommendations do not, however, appear to have led to increased reporting by member countries. Interpol is therefore convinced that there is a need for complementary general measures aimed at heightening the awareness of law enforcement agencies, increasing their human and financial resources, and improving the level of training given in this area in the various countries.

4. Interpol should therefore like to not only express its full support for the draft programme of action, since it is based on similar considerations, but also to make two specific comments:

(a) Paragraph 33 recommends the adoption of legislation to prevent new forms of technology from being used for promoting and encouraging prostitution. However, we feel this very important point should not be restricted to prostitution alone because such new technology (for example, in the form of computer programs or public electronic mail facilities) can also be used to promote the sexual exploitation of children and child pornography. Perhaps consideration could be given to extending this recommendation accordingly;

(b) Paragraph 34 recommends the enactment of legislation making it a crime to produce and distribute pornographic material but the possession of pornographic material involving children is not mentioned. Since consumers have a basic role in encouraging the production of pornographic material involving children we feel penal sanctions should be introduced for the mere possession of child pornography. This would facilitate the identification of those producing and distributing pornographic material involving children.

[illegible]. COMMENTS RECEIVED FROM NON-GOVERNMENTAL ORGANIZATIONS

ALL INDIA WOMEN'S CONFERENCE

[Original: English]
[22 July 1992]

1. Consumption of alcohol is the root cause of crime. It is necessary to propagate prohibition in alcoholic drinks and to enact legislation for the purpose wherever feasible.

2. Consumption of drugs also is one of the important causes of crime. Effective legislation and enforcement measures are required to be introduced to minimize crime.

3. Arrangements on a global basis are required to be made for medical examination.

4. Short-stay homes or shelters for women should be set up in all the major cities of the world for victims of traffic in persons and the exploitation of the prostitution of others.

5. Suitable accommodation for street children should be provided in all major cities to avoid their falling into the trap of traffickers in children.

6. On the analogy of SOS Children's Villages of India, SOS facilities for destitute and needy women and children should be made available by way of providing them a house and family.

7. Trading in young children across borders should be investigated and strict action taken to prevent such trading in children.

INTERNATIONAL ABOLITIONIST FEDERATION

[Original: English]
[12 August 1992]

1. The draft programme of action is a very good basic document with various recommendations and proposals based on information provided to the Working Group on Slavery for the last 16 years, mostly by non-governmental organizations like IAF which are dealing with the subject of traffic in persons and exploitation of prostitution of others for many decades, as well as the measures recommended by the experts and forwarded to the Commission on Human Rights for adoption.

2. The draft programme underlines the extent and the gravity of the situation and tries to formulate measures in the areas of education, information and social, economic, judicial and administrative actions to prevent traffic in persons and the exploitation of the prostitution of others. To start with, all these measures would be the primary responsibilities of the national Governments. Unfortunately, it is apparent that Governments' actions are either lacking or grossly inadequate compared to the gravity of these problems. Therefore, the programme needs some specific proposals as to how actions could be implemented at the grass-roots level where these crimes originate.

3. Regarding the draft programme, we would like to make four main comments:

(a) There should be specific proposals for governmental action as to how women's health could be protected from the danger of AIDS and other sexually transmitted diseases, when they become the victims of traffic and prostitution;

(b) It has been medically determined that initially it is the male customer who infects a prostitute. Thereafter, both the client and prostitute spread the infection. Therefore, the customers as much as the prostitutes are equally responsible for the spread of sexually transmitted disease. Besides, the clients are directly responsible for creating more and more demand for brothels, hotel entertainment services, sex tourism, etc. which encourage traffickers to enlarge their business of trafficking in persons and exploiting the prostitution of women and children. If there is no client, there will be no prostitute. Clients must therefore share responsibility and be punished along with the procurers, traffickers and brothel keepers. If we are serious about any preventive measures against such crimes then the clients' role in this matter must not be forgotten. In the draft programme there is no mention of the role of the client and his responsibility. This has to be corrected;

(c) The draft programme must emphasize more strongly that prostitutes must be treated like any other human being. Their needs and grievances have to be looked into by the authorities and necessary protection and opportunities for alternative means of livelihood be provided for their rehabilitation;

(d) The United Nations Drug Control Programme (UNDCP) has not been mentioned in terms of cooperation and coordination to carry out the action programme. We feel that UNDCP has a definite role to play and has a lot to contribute towards effective implementation of this draft action programme, because of its global experiences in controlling illicit drug trafficking and in reducing the demand and supply for illicit drugs. On close scrutiny no one can fail to see the close connection between these two global anti-social criminal activities: drug-trafficking and traffic in persons vis-à-vis exploitation of drug addiction and prostitution of others.

Current situation

4. There is also an urgent need to adopt a strong strategy against adult prostitution which may be in many ways similar to the one adopted for the fight against child prostitution. Multidisciplinary and interdisciplinary programmes followed by systematic periodical control, evaluation and follow-up of national actions are needed, as has been recommended by Mr. Vivit Muntharborn in his report (E/CN.4/1992/55). This is specially needed as adult prostitution and its exploitation is a subject which is often ignored because of tradition, prejudice (even religious), discrimination against women and persistent male domination and belief that women are sexual objects. Besides, unlike child prostitution, adult prostitution is a controversial subject and opinions widely vary from person to person and from country to country. Therefore, the United Nations, in conformity with its Convention of 2 December 1949, has the obligation to emphasize strongly in this draft programme that any organized or institutionalized prostitution involving adults or children is beneath human dignity and violates human rights, and therefore should be eliminated from a civilized society.

5. This is the reason why it is necessary to strengthen the mechanisms for implementation of the existing international instrument. The only comprehensive international convention on this subject is the one adopted on 2 December 1949. Many years have gone by since its adoption and many new methods of exploitation of prostitution have emerged, such as sex tourism, false promises of marriage and employment, and abuse of women in various entertainment centres, including hotels and foreign military bases. Consequently, the 1949 Convention has become inadequate to deal with the present situation, except in its first two articles. There is constant reference to the pre-eminence of domestic laws in the Convention and most of the time, in reality, this does not help the matter very much.

6. The Working Group on Contemporary Forms of Slavery, since its inception in 1974, has received full information on the gradual increase of this terrible criminality. It only meets once a year for a very short period, one week, to deal with various problems of contemporary forms of slavery, of which prostitution is one.

7. The International Abolitionist Federation, because of its decades of experience and the information in its possession, is convinced that the subject of exploitation of prostitution and traffic in persons needs attention as a subject on its own. Therefore, we would like to recommend the following in addition to our comments on the draft programme of action. We request action to:

(a) Appoint a committee of experts to formulate an additional protocol to elaborate and enlarge the scope of the existing 1949 Convention to deal with the present situation of prostitution and trafficking. There should be yearly monitoring of the implementation of the terms of the Convention by the States parties, as in the case of the Convention on the Rights of the Child;

(b) Appoint a special rapporteur to conduct an in-depth study on all forms of sexual exploitation, pornography and traffic in persons, both adults and children, and to submit the report to the Commission on Human Rights;

(c) Designate one staff member of the Centre for Human Rights exclusively to receive and deal with all information regarding sexual exploitation and traffic in persons. All information thus received should be disseminated to different relevant United Nations agencies, Interpol, WTO, governmental and non-governmental organizations and individuals for awareness raising, actions for preventing such crimes and for implementing social and economic programmes for the victims of traffic and prostitution (para. 8, draft programme).

(d) Include the participation of UNDCP and WTO in the recommended seminar (para. 39, draft programme).

INTERNATIONAL FEDERATION TERRE DES HOMMES

[Original: French]
[16 October 1992]

1. We propose the addition of the following paragraph after paragraph 13 on information and education:

> "Parents should be encouraged, by various means, to bring up their male and female children in an egalitarian manner and to promote respect for and the development of girls from earliest infancy within their own family."

2. We also propose the addition of the following paragraph after paragraph 41 of the last section:

> "The Centre for Human Rights could introduce an emergency procedure enabling it to receive any communication concerning trafficking in human beings and to take the necessary steps to act upon such communications."